

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

DARRELL WALSTON,)	
)	
Plaintiff,)	
)	
vs.)	Case No: <u>16-CV-390-RAW</u>
)	
GREAT AMERICAN INSURANCE)	
COMPANY,)	
)	
Defendant.)	
)	

**DEFENDANT GREAT AMERICAN INSURANCE COMPANY'S
NOTICE OF REMOVAL**

COMES NOW Defendant, Great American Insurance Company, by and through their attorneys of record, Gibbs Armstrong Borochoff Mullican & Hart, P.C., and for its Notice of Removal pursuant to 28 U.S.C. § 1332, states as follows:

1. On August 23, 2016, Plaintiff filed a Petition in the District Court in and for Love County, State of Oklahoma, styled **Darrell Walston vs. Great American Insurance Company, Case No. CJ-2016-31**. A copy of the Petition is attached as Exhibit 1.
2. The Petition alleges that Plaintiff has suffered damages in an amount in excess of \$75,000.00. *See* Exhibit 1, ¶¶32 and 33.
3. Plaintiff's counsel served Requests for Production and a First Set of Interrogatories along with the Petition. *See* Exhibit 2, Discovery Requests served with Petition.
4. Defendant was served on August 25, 2016. *See* Exhibit 3, Summons.
5. 28 U.S.C. § 1332, grants the district courts of the United States original jurisdiction of all civil actions arising between citizens of different states when the amount in controversy is in excess of \$75,00.00.

6. Great American Insurance Company is an Ohio corporation with its principal place of business in Cincinnati, Ohio. The Plaintiff is a citizen of the State of Oklahoma.

7. As stated in the Petition, Plaintiff is a resident and citizen of Love County, Oklahoma.

8. As stated in the Petition, the amount in controversy in this matter is in excess of \$75,000.00 as required by 28 U.S.C. § 1332.

9. Love County is within the jurisdiction of this judicial district.

10. Pursuant to 28 U.S.C. § 1446(b), this notice is timely as it is filed within thirty (30) days of service of the Petition.

11. The Petition is the only pleading that has been filed in this matter to date in the District Court in and for Love County.

12. Pursuant to LCvR 81.2, a copy of the state court docket sheet is attached as Exhibit 4.

WHEREFORE, Defendant Great American Insurance Company gives Notice of Removal of this action from the District Court of Love County, State of Oklahoma, to the United States District Court in and for the Eastern District of Oklahoma.

Respectfully submitted,

/s/ *Christopher D. Wolek*

George Gibbs, OBA #11843
Robert D. Hart, OBA #16358
Christopher D. Wolek, OBA #19612
Jamie R. Rogers, OBA #18702
601 S. Boulder Ave., Suite 500
Tulsa, OK 74119
Telephone (918) 587-3939
Facsimile (918) 582-5504
ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a full, true and correct copy of the above and foregoing document was served on the 9th day of September, 2016, via:

 x U.S. First Class Mail, proper postage prepaid;
 USPS Signature Confirmation
 Facsimile
 Hand Delivery
 Overnight Express Delivery
 E-Mail

Joe E. White, Jr.
Charles C. Weddle III
WHITE & WEDDLE, P.C.
630 N.E. 63rd Street
Oklahoma City, OK 73105

ATTORNEYS FOR PLAINTIFF

/s/ *Christopher D. Wolek*